

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MR. Derek K. Wilks

(In the space above enter the full name(s) of the plaintiff(s).)

FILED

DEC 30 2010

- against -

City of Philadelphia, PA.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

COMPLAINT

Philadelphia Police Dept.

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

P/O Reilly Badge#1784

P/O Ramos Badge#7108

Transport Officer(John Doe)

Intake Officer 8th Race St.

Jury Trial: ☒ Yes ☐ No
(check one)

Date, Aug. 15, 2009 Hours 1400 to 1600

P/O Derrick Jones Badge#9851

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name MR. Derek K. Wilks

ID # F Q - 0382

Current Institution S.C.I. GREENE

Address 175 PROGRESS DRIVE

WAYNESBURG, PA. 15370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name P/O Reilly Shield # 1784
Where Currently Employed Phila. Police Dept.
Address 8th and Race St.
Phila. PA. 19106

Defendant No. 2 Name P/O Ramos Shield # 7108
Where Currently Employed Phila. Police Dept.
Address 8th and Race St.
Phila. PA. 19106

Defendant No. 3 Name Transport Officer(John Doe) Shield # UNKNOWN
Where Currently Employed Phila. Police Dept.
Address 8th and Race St.
Phila. PA. 19106

Defendant No. 4 Name Intake Officer(John Doe) Shield # UNKNOWN
Date, Aug. 15, 2009 (1400 to 1600)
Where Currently Employed 8th and Race ST.
Address Phila. PA. 19106

Defendant No. 5 Name City of Philadelphia, PA. Shield #
Where Currently Employed Pennsylvania
Address

II. Statement of Claim: (see attachment)

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? _____
- B. Where in the institution did the events giving rise to your claim(s) occur? _____
- C. What date and approximate time did the events giving rise to your claim(s) occur? _____

Defendant No.6 P/O Derrick Jones Badge#9851
 Phila. Police Dept.
 8th Race St.
 Phila. PA.19106

D. Facts: (SEE ATTACHMENT)

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

(SEE ATTACHMENT)

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Slamed me to the ground,

Cut on right top side of head, also dent in my Skull (could not tell I had dent in my skull until the swelling went down) Seen Doctor and turn down stiches. P/O Ramos stood on my ankle and it still hurts today. P/O Reilly beat me in the head with his Baton a number of times and sat on my back for 2 to 3 min. where it was hard to breath, until back-up came.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

I left my house on Aug.15, 2009 at 8:30am to go to work (Barber) and to shop for a used car,(also work as cook out in Paoli) and to get some money orderto pay some billsfor me and my giilfriend When Ileft the house I had \$ 970.in my pocket.\$ 800. of that was in my back pocket with a rubberband around it with my ID card stuck in with the money.I also had \$170. in my front right pocket also I had my cell phone,ciggerettes,and my medication for the day in its prescription bottle(clolestorol med 2 pills)and 2 asprin, wrap in napkin inside pill bottle.Around 9:15am I got off Route 56 bus at Kensington and Erie Ave. and started walking down Kensington ave. looking at used cars,after an hour or so I made my way down to kensington and Somerset Street,where I went into a store called Martin's Deli. I brought 1 Lottery ticket\$1.00 cup of ice \$1.00 and a Ice Tea drink \$1.00 out of the \$170.I had in front pocket.When I came out of the store I was approached by a guy trying to sell me some pills,I told him I was good and kept walking at that time the police pulled up he tried to walk off and other people that was out there began to walk off also(very busy area 3 bus stops 2 EL train stops) and a lot of drug addicts hang in this area. At this time the police jump out of their car and push me on the wall. P/O Nathan Romos Badge-7108 went into my back pocket and took out my money P/O James Reilly Badge-1784 grabed the other guy.I ask P/O Ramos what was going on he said shut up. I said give me my money back or somthing to that effect and he just kept tell me to shut up, he than hand me over to P/O Reilly and he bent me over the car.I kept asking whats going on and he said be quiet and shut up.I said why is he taking my money and P/O Reilly said that enough.While on the police car P/O Reilly felt the little bulge in my pocket,pull out my pill bottle. He pull the napkin out of pill bottle and check it and put it back in my pocket (did not put napkin with pills back in pill bottle,bottle and pills seperate in pocket).While this was going on P/O Ramos was walking around picking things off of the ground he called over to P/O Reilly and said I found pills on the ground I need somthing to put them in because they sweating in my hands P/O Reilly gave him my pill bottle,that was in my pocket.He place handcuffs on me and the other guy and I kept asking what for and telling him I did not do anthing thing, I am on parole and don't need this and for him to give me my money.At this time he struck me in the head and shoulder with his Baton a number of times,I went down to my knees and he slam me to the ground and hit me in the head a few more times,sat on my back,P/O Ramos came running over and stood on my ankles leaving MR.Cameron alone all while I was cuffed. He was calling for back-up while sitting on my back and P/O Ramos standing on my ankles,I could not breath so I was trying to sit up and rollover,but I was handcuffed.After about 3-min. or so with me on the ground and P/O Reilly sitting on me and P/O Ramos standing on my ankles back-up arrived,they went to the wroung corner first they went to Kensington and Leigh Ave.we were at Kensington and Somerset St., How I know this is because they were talking outside of the police car I was locked in.The whole time I was on the ground P/O Reilly kept telling me I am going to charge you with Agg. Assault on police,he also kept saying all of this for a citation over and over.I was saying please Sir don;t do this to me I am on parole I don't need this,

STATEMENT PAGE 2 of 4

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I did not do anything he was not trying to hear it. I was in the car bleeding badly face and shirt covered in blood (cut on right top side of head). All of the officers were outside of the car High-fiving each other and laughing about this and I was trying to talk to P/O Reilly, charges, my money etc. Everyone left and I am in the car with P/O Reilly on my way to the hospital the whole ride there I am pleading with him to not lie on me about Agg. Assault charges. He kept saying pills are a citation and I went thru all of this for some pills, you would have been out in four hours. When we pull into the hospital parking lot, P/O Reilly said to me I am going to charge you with the pills but not the Agg. Assault. I am going to give you a break, but what are we going to say about your head, I said I don't know, he said when we go in there tell the doctor that you fell, I agreed because I was on parole and don't need that on my record and with all of the stuff that is happening to the police the last few years I would never make parole again. While we were in the car another police car pulled up and we all went into the hospital Emergency Room. While sitting there waiting to be seen, I was asking him why he took my money and why did yall beat me up etc, he said to me things happen and you will get your money. He ask me if I want to call anyone to bring me a shirt up here to the hospital, because all you have is a citation for the pills and will be out in 4-hours and you can't catch the bus in that bloody shirt. I said no I am OK. Then him and his partner made me go in to the Bathroom to clean off my face before the doctor seen me. By now 45-min. to an hour went by and the nurse called me P/O Reilly and I went in to office and she ask me what happen, I said I fell because P/O Reilly was standing right over me, and I did not want them bogus Agg. Assault charges. While waiting to see the Doctor P/O Reilly told one of the other officer can he take over for him and take me down 8th and Race St. so he can go and do his paperwork, because he does not want to do overtime. So he started to leave and I ask him about my money again, he said I would get it when I leave from 8th and Race for the citation, 20 min. later I seen the doctor turn down the stitches, head was swollen on the side. Did not realize that I had a dent in my skull until the swelling went down. (It's documented in my prison medical file.). Now I am being transported to 8th and Race (Transport officer name John doe) and he's telling me I am lucky I am not dead some of the officers are out of control etc. and just be careful in that area, because some of the police are scared out there and will react first ask question later. We pull in 8th. Race St. and we both went into Intake Room, he stood by the door that leads to the garage area, and the Intake officer to process me in. The first thing he tells me is to take everything out of my pocket and I did as told. I took out a Cell Phone, pack of cigarettes, my money, and the pills that was in the napkin I had. The Intake Officer begin to count my money when the Transport Officer took notice. He pull out his Cell phone and called P/O Reilly, he said to Reilly did you search Wilks and Reilly must have said yes, than the Transport Officer said, you could not have because he still have money, pills and phone in his pocket, so P/O Reilly must have told him to confiscate the stuff because he hung up the phone and came over to me and told me to give him the money which I did after about 10 min. of arguing with him and the Intake Officer.

The sum was \$167.dollars he also took the pills.While arguing with them about the money the Intake Officer was telling me that I have to give it up(money)because he pointed to the camera on the wall and said it's recording everything and he is not going to lose his job over this.(Intake Officer John doe Aug.15th 2009 between the hours of 1400 to 1600).So the Transport Officer took the money and pills.I ask for a property Sheet and he did not give me one.I was so mad about this I started cursing the Transport and Intake Officer out.(The Intake Officer would remember me because I was covered in blood from head to my waist he did not want to touch me.) They both took me to the Nurse's Station after seeing Nurse I was prossess and booked in jail. (If you pull up immages from that day and time you will be able review what I saying is true.)After about 20 hours in 8th and Race(Police Headquarters)I was prossed and sent to C.F.C.F. jail on State Road.About a month or so goes by and I recives a letter in the mail from the DA's Office about a forfeiture hearing to seize the money taken from me during my arrest,when I open it and to begin to read the letter and property sheet I was shocked it said that I only had \$664.dollars out of the \$ 970.dollars that I left home with(\$306.is missing from me),take away the \$3.00dollars I spent at the store(Martin's Deli right before my arrest).I was robbed two times on scene by P/O Reilly and P/O Ramos and at 8th Race by Transport Officer.I was beaten by P/O Reilly and P/O Ramos about the head and shoulders at time of arrest,and had bogus charges brought against me,so I wrote the DA'S Office about this (No Reply) and Internal Affairs (6 times No Reply). So I waited to get my 48's,49's and Preliminary Hearing Notes and once again I am shocked by all of the lies tainted evidence,mistake on them,even the money was not right. Its not the same denomination of money that I had,Its a lot of one's and five's that I did not have.I only had 2 ones and 1 five in my pocket how I remember this is because I broke a \$10.00 bill for tea,ice and lottery ticket,and I read on and some more and I was also charge with having 8 bags of Heroin that I never had nor was mention during this whole arrest ordeal. If you take a look at my 48s (Complaint or Incident Report) nothing about drug arrest,and on 49s(P.P.D. Investigation Report) only mention Heroin in his statment and property sheet he filled out,also in his statment he says he took 8 pills from me in pill bottle,but Chemical Lab Report it says 4pills and fragments consistent with being broken when threw on ground,and if they were in pill bottle like he said why would they be broke. also 49s states page2 of 4 that 4pills,8 bags Heroin and \$664.00 were taken from me at 1200am(Midnite) I was arrested at 1205pm as on Complaint or Incident Report and Property Sheet.Also on the 49s Page 1of1 and Page 4of4 where it says Arrested For it says 1803-Narcotic Seller Synthetics(Demerol Methad) not Heroin.If you look at statment on 49s Page 3of4 he states I recived a cut when I tried to flee from police it does not say how or where the cut is and on the 48s it said on the head but how.Now if you look at his statment from Preliminary Notes Page6,line 24 and 25-Page 7 line 1,2,3 he says I attempted to pull away from him.I held on to himwas later Handcuffed and arrested along with Mr. camron.Two different statments by him,so where did the cut come from on the top right side of my head? I never went anywhere(held on to me his statment)

No mention of me falling, hitting head etc. I am not charged with Agg. Assault Resisting arrest or Fleeing Police. He had to write something because I had to go to hospital. Also on 49s Page 4 of 4 (Evidence submitted to chemical lab report) it says YES On 8/16/09 On Chemical Lab Report it says submission date 8/18/09 that's 48 hours different and if pills are in pill bottle with lid. How did they become broken (fragments).

(Transport Officer John Doe Aug. 15, 2009)
Narcotic Strike Force who kept \$167.00 and pills he took from me at 8th and Race St. No Property Sheet for money or pills
No Chem. Lab Report for pills

(Intake Officer John Doe Aug. 15, 2009)
Between hours of 1400 to 1600 hrs.
Handed over money to Transport Officer pills also and I did not get property slip from him either.-----
-----END OF STATEMENT-----

I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENT AND INFORMATION TRUE. I understand the penalties under Title 18/4904, related to unsworn falsification to Authorities, applies.

DATE 24 Oct 10

SIGNATURE Deek K. Wilks

Oct 24, 2010

Sharon A. Sebek
Notarial Seal
Sharon A. Sebek, Notary Public
Franklin Twp., Greene County
My Commission Expires May 8, 2011

#1

P/O James Reilly Badge#1784

-
- 1) (2700 Kensington Ave. Aug.15,2009 Time 11:50am)
Slamed me to the ground,beat me over the head,arm and back sat on my back for 2to3min.,where I could not breath.
 - 2)-Did not report beating on 75-49 Investigation Report,48s Complaint or Incedent Report,nor did he not testifiy about the beating in Preliminary Hearing.
 - 3)-(Second and Leigh St. Hospital Aug.15,2009 about 12:30pm)
Threatened me to tell hospital that I fell or he would charge me with Agg. Assault on Police Officers.Stood with me in the nurse office while I gave her the information about my injuries.
 - 4)-Falsely charged me with Possession with Intent to Deliver, and Possession of Pills and Heroin.
 - 5)-Did not put all of the money taken from me at time of arrest (Aug.15,2009 12:05pm)on property sheet.Did not get property sheet until about a month later,because I was inthe county jail and was sent legal mail about Forfeiture Hearing recived on Sept.9,2009.(\$303.00 is missing)
 - 6)-P/O Reilly recives a call from Transport Officer(John Doe)who informed him that I had money and pills still in my pocket. P/O Reilly told the officer to confiscate the money and pills I did not recive a property sheet for the \$167.00 that was taken from me(8th Race st.)nor was the pills put into evidence for testing.The pills were my medication (2 colestoral and 2 asprin pills)that was wrap in napkin.
 - 7)-Fabricated evidence on Complaint or Incedent Report, (75-49) Investigative Report,and preliminary hearing notes to make arrest.Also at suppression hearing 28OCT.2010 Court Rm.704 he states that I pushed him and he had to take me down. no mention of this in any of his reports,or any of the other officers.

#2

P/O Nathan Ramos Badge#7108

-
- (2700 kensington St. Aug.15,2009 time 11:55am)
- 1)-Got out of Police Car,pushed me on the wall shearched me went into my back pocket and took my money.\$800.00 and my I.D. Card money had rubberband around it with I.D. stuckinto it,after a after a 1-min. or so he gave the money to P/O Reilly.
 - 2)-Picked pills and things off of the ground people threw down when the police car pulled up.He took my medcation bottle to put evidence in.P/O Ramos ask P/O Reilly to give him something to put these pills in because they are sweating in his hand,P/O Reilly gave him my pill bottle
 - 3)-After being slamed to ground by P/O Reilly,P/O Ramos stood on my ankles and legs while P/O reilly beat me with his Baton.
 - 4)-Did not report the beating either in his report,he is down for witness on my (75-49) Investigative Report,never testified at any of my Hearings.

#3

Transport Officer(John Doe)
he transported me to 8th Race St.
Police Headquarter for prossesing

(Aug.15,2009 after finish in hospital)

- 1)-Confiscated \$167.00 from me at 8th Race St.(Intake)and never reported it or gave me a property sheet for the money.
- 2)-Confiscated 4 pills from me at 8th Race St. (Intake) 2, Colestoral and 2 Asprin wrap in napkin and did not put them into evidence or turn them into Chemical Lab for testing,which should heve been because it is evidence in a drug arrest and investigation.
- 3)-Called P/O Reilly on his cell phone and ask him if he shearched me and P/O Reilly yold him to confiscate the money and pills,he hung up his phone and came right over to me to take pills and money.

#4

Intake Officer(John Doe)
8th Race St. Aug.15,2009
Working HRs.1400to1600

- 1)-Took and counted money and gave it to the Transport Officer (John Doe)\$167.00,I ask for a property sheet did not give me one either,we began to argue about the money along with the Transport Officer 5-min. or so,he stated to me see that camera on the wall there its recording everything and I am not going to lose my job over this B.S,so give him the money which I did No property sheet for the money,No Chemical Lab report for the pills.

#5

City of Philadelphia,PA.

- 1)-All of the defendents are employed by the City
- 2)-Lack or in need of better training in the use of force.
- 3)-Conduct unbecoming of a Police Officer who works for City.
- 4)-Failed to pervide proper supervison to its Police Officer.

#6

P/O Derrick Jones Badge#9851

(Aug.15,2009 Kensington and Somerset St.)

- 1)-Did not report the beating in any of his report.
- 2)-Tainted and fabricated evidence against me.
- 3)-Nothing on Complaint or Incendent Report(48s)about the beating that he wrote on the scene.

WITNESSES TO POLICE BEATING (2700 Kensington Ave. Aug.15,2009)
Time 11:50am

Joseph Freeman

5721 Dunbar CT.

Bensalem, PA. 19020

Cell# (267) 980-3629

Joseph Murphy

351 west Duval ST.

Phila. PA.

Phone# (215) 849-3492

Thomas Joseph Cameron

1901 East Madison St.

Phila. PA. 19134

Martin,s Deli

2700 Kensington Ave.

Phila.PA.19134

NOTE: There were a lot of people out that day
very busy area 3 Bus stop and 2 EL Train
stop , a lot of stores were open at that
time of day.

(Aug.15,2009 11:50am) 2700 Kensington Ave.)

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No X

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No X Do Not Know ____

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

N / A

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

N / A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). All legal fee's and medical bills ,payed
by the defendents present and future. All back pay from my two jobs that
that I had at the time of this fake arrest. I also seek normal and punitive
damages from all defendents in the amount of \$ 1,000,000.00Q(dollars
for causing me physical injury,suffering great pain,as well as emotional
distress. Also want my \$970.00 that was taken from me returned,
and any other relief that the Court deams proper and just.

Want all Police Officer better trained in the use of
force. Implement new policy on collecting of money from
citizens arrest for drug possession.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No X

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

On
these
claims

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court?

Yes _____ No X

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

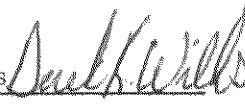
6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of December, 2010.

Signature of Plaintiff Derek K. Wilks 

Inmate Number FQ-0382

Institution Address 175 Progress Drive
Waynesburg, PA. 15370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 15 day of December, 2010, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Derek K. Wilks